

FILED

JUN 02 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION.**

3:22 CV 924

Prakash S. Thombre
7150 Corduroy Rd,
Oregon Oh. 43616
Plaintiff

Case No:

JUDGE:

JUDGE HELMICK

MAG JUDGE CLAY

Vs.

UNITED AIR LINES Inc.
Baggage Resolution Service
Center; UNITED AIR LINES INC.
WILLS TOWER
23 S.WALKER
CHICAGO IL. 60601
Defendant

**COMPLAINT FOR FAILURE TO
PAY; UNFAIR, DECEPTIVE AND
UNETHICAL TREATMENT**

Alternate address;
UNITED AIR LINES INC.
611 Lockhaven Drive. (Web posted address?)
Houston. TX. 77073
Ph # 800-335-2247/ 1-281-821-3526
Fax# 1-281-553-1484

Now comes the Defendant Prakash Thombre with this complaint; states and avers that he has made numerous efforts to settlement under the Federal Aviation Codes of Airlines Operations, and the "Montreal Convention's international baggage liability limit".
The Plaintiff states that this case Court has jurisdiction as the offices of UNITED AIR LINES Inc. are located outside Ohio.

The Defendant has been abusing passenger's legal claims for compensation; by posting a impossible to get a response; making false promises (emails included); failure to accept responsibility and give relief to compensate for the miserable hardships they have caused to the Plaintiff and his wife.

Instead UNITED Air lines continues to play tactics like making unreasonable demands for receipts that are impossible to get. Further what receipts could be obtained and submitted (included as exhibits) are being rejected. Finally the address to send such claim forms is invalid and cannot be served by US Postal service; Evidence is provided that United Air lines refuses to provide a valid address to serve legal notices?.

INTRODUCTION

The Plaintiff and his wife, Kyrmen Thombre had traveled by UNITED AIR LINES International flights from Detroit to Nework, NJ. to Delhi, then to Guwahati (India) for a final destination to Shillong, Meghalaya; (State in India--a 4 hour mountain journey by car). The passenger's luggages were held back in Newark NJ (USA). United air lines had the legal responsibility and duty to matching the baggage with the passengers in that flight; as per Federal and international aviation codes.

International Baggage Liability

*•For most INTERNATIONAL flights, a treaty called the **Montreal Convention** applies to the carriage of baggage. The maximum baggage liability for flights covered by the Montreal Convention is currently 1,288 Special Drawing Rights (approximately \$1,780.00 US). This is the most that airlines must pay a passenger for a lost, damaged, or delayed bag. Airlines are free to pay more than the limit, but are not required to do so.*

•The Montreal Convention's international baggage liability limit is reviewed for inflationary adjustment every five years by the International Civil Aviation Organization (ICAO).

Also in accordance with 14 CFR UNITED Air lines has failed to match or transport the checked baggage in the same flight in which the passengers are flying. This is in violation of Federal law.

Plaintiff's argues that Defendant has violating Federal Aviation codes; by not placing the passenger's baggage on the same flight the passenger is traveling on.

ALLIGATIONS:

1. United air lines baggage claims dept has been misleading and deceptive in its duty/responsibility for the Plaintiff's checked in baggage.
2. United air line's baggage claim web site refers its passengers to file a claim on their web site which is sham and deceptive (which does not work or make it possible to file a claim.)
3. The mail address provided at the end of the claim filling document is not a valid (evidence will be provided of a returned letter by USP stamped "no such address").
4. When after countless calls and several email correspondence the United air line employees apologize and make promises, but no compensation is ever offered.
5. Several emails and at least 6 or more so called supervisors have made promises of a mailed check , but that has not happened (see attached email correspondence).

The following is obtained from United Baggage Claims web site; which shows that the claim is CLOSED.

"Claim status Your baggage claim is closed"

6. The attached or copies communications tells volumes of the manner of deception and a consorted or contorted ways of operations; It is Plaintiff's opinion that this is deliberate to discourage passenger's claims in accordance to the *Montreal Convention* .

Fri, Apr 15, 2022 1:51 pm

(psthombre@aol.com) To: **brc-claimsdesk@united.com** Details

PLEASE STOP THIS HARRESMENT ITS LIKE RUBBING SALT TO MY WOUNDS.

-----Original Message-----

From: BRC-ClaimsDesk@united.com <brc-claimsdesk@united.com>

To: PSTHOMBRE@AOL.COM

Sent: Fri, Apr 15, 2022 11:42 am

Subject: United Airlines/ Prakashshankar Thombre/ DEL21199M (KMM75295882V36381L0KM)

United Airlines/ Prakashshankar Thombre/
DEL21199M (KMM75295882V36381L0KM)

Fri, Apr 15, 2022 11:42 am

BRC-ClaimsDesk@united.com (brc-claimsdesk@united.com)To:you Details

Dear Prakashshankar Thombre,

Thank you for contacting the Baggage Claims Department.

Please accept my apologies for the inconvenience. We have received your three receipts of interim expenses, on two of them there is no date of purchase and on one of them the date of purchase is before the date you travel. Kindly send your receipts again with valid date of purchase to brc-claimsdesk@united.com. Please be aware, our system accepts PDF documents up to 8MB in size. You may send your documents by separating your attachments. I look forward to hearing from you soon.

Regards,

Ishika Garg

United Airlines

Claims Representative / Baggage Resolution Center

United Airlines (KMM75232545V51201L0KM)

Fri, Apr 8, 2022 4:53 pm

BRC-ClaimsDesk@united.com (brc-claimsdesk@united.com)To:you Details

Thank you for reaching out to the Baggage Recovery Center. This is an automated message to confirm receipt of your e-mail. We apologize for the mishandling of your luggage. Please allow 6-8 weeks for response and processing. Meanwhile, should you have any questions, we invite you to speak with a baggage representative by calling 1-800-335-2247 or 281-821-3526.

Thank you for choosing United Airlines, we appreciate your patience.

Re: United Airlines (KMM75219146V54260L0KM)

Fri, Apr 8, 2022 9:25 am

(psthombre@aol.com)To:**brc-claimsdesk@united.com** Details

OK NOW YOU ARE ADDING SALT TO INJURY; PLEASE NOTE THIS MATTER IS UNDER REVIEW WITH THE FEDERAL AVIATION AGENCY; WE WILL PERSUE THIS LEGALLY. Your continue to deny and harass us is only making matters worse.

-----Original Message-----

From: BRC-ClaimsDesk@united.com <brc-claimsdesk@united.com>

To: PSTHOMBRE@AOL.COM

Sent: Thu, Apr 7, 2022 1:57 pm

Subject: Re: Fwd: United Airlines (KMM75219146V54260L0KM)

Dear Dr. Thombre,

Thank you for contacting the Baggage Claims Department.

We have received only three receipts and date of purchase on your receipt is before your travel so we cannot consider that kindly send us all your valid receipt with date of purchase.

Regards,

Chetna Jaswal

United Airlines
Claims Representative / Baggage Resolution Center

Re: United Airlines (KMM75219146V54260L0KM)

Fri, Apr 8, 2022 9:25 am

(psthombre@aol.com)To: **brc-claimsdesk@united.com** Details

OK NOW YOU ARE ADDING SALT TO INJURY; PLEASE NOTE THIS MATTER IS UNDER REVIEW WITH THE FEDERAL AVIATION AGENCY; WE WILL PERSUE THIS LEGALLY. Your continue to deny and harass us is only making matters worse.

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From: BRC-ClaimsDesk@united.com <brc-claimsdesk@united.com>

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We have received only three receipts and date of purchase on your receipt is before your travel so we cannot consider that kindly send us all your valid receipt with date of purchase.

Regards,

Chetna Jaswal

United Airlines
Claims Representative / Baggage Resolution Center

Re: Fwd: United Airlines (KMM75219146V54260L0KM)

Re: Fwd: United Airlines (KMM75219146V54260L0KM)

Mon, Mar 28, 2022 5:17 pm

(psthombre@aol.com)To: **brc-claimsdesk@united.com** Details

PLEASE NOTE THAT I DONT NOT RESPOND TO PHONE MESSAGES ; SINCE
THIS ORDEAL HAS BEEN A VERY TRICKER AND DEVIOUS PROCESS.
DO NOT CALL OR LEAVE MESSAGES
JUST WRITE
NOTE THE ATTACHMENT HAS ATLEAST RECEIPTS--??

United Airlines (KMM75116872V92846L0KM)

Mon, Mar 28, 2022 2:40 pm

BRC-ClaimsDesk@united.com (brc-claimsdesk@united.com)To:you Details

Thank you for reaching out to the Baggage Recovery Center. This is an automated message to confirm receipt of your e-mail. We apologize for the mishandling of your luggage. Please allow 6-8 weeks for response and processing. Meanwhile, should you have any questions, we invite you to speak with a baggage representative by calling 1-800-335-2247 or 281-821-3526.

Thank you for choosing United Airlines, we appreciate your patience.

Mon, Mar 28, 2022 2:38 pm

(psthombre@aol.com)To:kathleen.oshea@dot.gov + 1 more Details

PLEASE find this kind of unethical ways of refusing to pay tactics to continue with United Air lines;
First they make it impossible to file a claim; by misleading web pages and information; false address,
Second when we made sure with your help that the CLAIM was filled then we must provide all the RECEIPTS OF
EXPENSES.

PLEASE note we were quartered in a small room with our sugar and blood pressure out of Wack, then there was no heating in the place except a electrical small heater. The room temperature was about 20 DEGREE F; it was a dry bone chilling atmosphere, we; had to buy blankets and extra clothing to keep warm alone; Lastly the night and day circadian clock made us sick not to mention the high-altitude sickness and the terrible winding mountain journey-----

In this situation we are to remember to collect receipts???when all transactions were handled by a helper?

Who would think that we would come back home and face this deceitful reason for not being able to enjoy our journey and now this? ---

We will not settle for anything less than the FULL PAYMENT OF \$1,300.00 PER PASSENGER AS PER THE INTERNATIONAL CONVENTION REGULATIONS ON LOST OR DELAYED LUGGAGE. ----PLEASE HELP

Mon, Mar 28, 2022 11:57 am

BRC-ClaimsDesk@united.com (brc-claimsdesk@united.com)To:you Details

Dear Mr. Thombre,

Thank you for contacting the Baggage Claims Department.

Please accept my apologies for the inconvenience. I understand you have incurred some extra expenses due to the delayed delivery of your luggage. I would like to process your claim as quickly as possible; however, I am unable to do so without your interim expense receipts. Please reply back with the receipts for any item listed on your claim from that is over \$100. Please be aware, our system accepts PDF documents up to 8MB in size. You may send your documents by separating your attachments. I look forward to hearing from you soon.

Regards,

Premjeet Kaur

United Airlines

Claims Representative / Baggage Resolution Center

United Airlines (KMM75096852V42108L0KM)

Fri, Mar 25, 2022 5:00 pm

(psthombre@aol.com)To: **brc-claimsdesk@united.com** Details Slideshow

**EXPENSES AND SUFFERING DUE TO FAILURE TO DELIVER
LUGGAGE:**

**United Airlines/Kyrmen & Prakash Thombre/25748123/DEL21199M
(KMM75084869V51475L0KM)**

United Baggage claim resolution Dept;
had a night mare situation as we are seniors and disabled;

quarantine imposed in a foreign country made it bad as we were not allowed out of an
tiny room with heat or water.

worst of all we had packed all our diabetic and blood pressure medications in the
luggage due to security requirements.
our diet foods were also in the luggage; not to mention the clothing and other needs.

**we arrived in NEW Delhi we were told that it was to arrive on the next AIR INDIA flight; they gave us
the paper work and told us that by the time we reach Guwahati (GAU) it will arrive and we can pick it
up.**

**we reached GAU still no luggage and were asked to come the next day to pick it up; so we stayed in a
motel and the next again went to the airport; but were told the luggage had not left EWR Newark.
We had no options but to proceed to our end destination; SHILLONG via a private taxi about 4 to 5
hours of winding journey up the mountains. At Shillong we had to adhere to a stick quarantine
protocol. We spent a lot of time on the phone to USA and via internet (we had to pay for these services**

since our USA SIM in phone or internet was not working in India).

Following is just a best recollection of our expenses under Quarantine;

This was a nightmare each day for full 6 days and with our medical health and the night to day transition of time just was very torturous leave along taking or even asking for a receipt each time as the system runs on CASH only; converting our currency to the local currency was also a big problem since \$ can be exchanged at local banks but one has to show a passport etc. I have managed to attach some receipts that i could find, but its impossible to get any kind of receipt for individual errand services that we had to employ. I pray and hope that you do not give us a harder time than we have had; including several submissions for reimbursement.

We are asking that you give us the full amount as per the international convention rules; This would be \$ 1,780.00 per passenger or more because of this last Three months of continued harassment and denials.

Prakash and Kyrmen Thombre

Mar 24, 2022 3:51 pm

BRC-ClaimsDesk@united.com (brc-claimsdesk@united.com)To: you Details

Dear Mr. Thombre,

Thank you for contacting the Baggage Resolution Center.

Please accept my apologies for the extra expenses you incurred due to the delayed delivery of your luggage. I would like to process your claim as quickly as possible; however, I am unable to do so without your interim expense receipts. To help reduce further delay, you may email your receipts with your file reference number to brc-claimsdesk@united.com. Please be aware, our system accepts PDF documents up to 8MB in size. You may send your documents by separating your attachments. I look forward to hearing from you soon.

Regards,

Kashika Mundotia

United Airlines

Claims Representative / Baggage Resolution Center

Description of Problem/Inquiry/Comment:

We flew from DTW to EWR to DEL to GAU; and were told our luggage was not transported in the same

plane? Asked to check the next day; so we waited one day at GAU but no one could tell us where the luggage was. so, we proceeded to SHILLONG our final destination by private taxi. Luggage had to be collected after 5 days and from GAU airport.

Thank you so very much for noticing our plight;
I am very saddened that the airline attitude is to throw a bone and say get lost?
After the terrible ordeal of being left with our medications and food items and then being quarantined in a foreign country The airline seems to evade all and every means of taking our complaint. !.
We tried to file online that just does not go anywhere.
then we tried to print it that does not allow to print
then we sent a written complaint by mail to the address they provide on the complaint--that was returned by the postal service 'THE ADDRESS IS NOT CORRECT AND NO FORWARDING ADDRESS--??
HOW IS ONE TO FILE A COMPLAINT WITH UNITED --?

We flew from DTW to EWR to DEL to GAU; and were told our luggage was not transported in the same plane? Asked to check the next day; so we waited one day at GAU but no one could tell us where the luggage was. so, we proceeded to SHILLONG our final destination by private taxi. Luggage had to be collected after 5 days and from GAU airport.

-----Original Message-----

From: BRC-ClaimsDesk@united.com <brc-claimsdesk@united.com>

To: PSTHOMBRE@AOL.COM

Sent: Thu, Mar 24, 2022 3:51 pm

Subject: United Airlines/Kyrmen Prakash Thombre/25748123/DEL21199M
(KMM75084869V51475L0KM)

Dear Mr. Thombre,

Thank you for contacting the Baggage Resolution Center.

Please accept my apologies for the extra expenses you incurred due to the delayed delivery of your luggage. I would like to process your claim as quickly as possible; however, I am unable to do so without your interim expense receipts. To help reduce further delay, you may email your receipts with your file reference number to brc-claimsdesk@united.com. Please be aware, our system accepts PDF documents up to 8MB in size. You may send your documents by separating your attachments. I look forward to hearing from you soon.

Regards,

Kashika Mundotia

United Airlines

Claims Representative / Baggage Resolution Center

Original Message Follows: -----

From: psthombre@aol.com

To: "brc-claimsdesk@united.com" <brc-claimsdesk@united.com>

Subject: deceptive luggage claim handling

Date: March 19, 2022 9:34:21 AM CDT

THIS IS UNETHICAL, DECEPTIVE AND FRAUDULANT; WE HAVE SUFFERED AND NOW THIS??
ATTACHED IS COPY OF THE TIEMS AND FORMS SENT BY EMAIL AND REGULAR MAIL;

1 Attached Images

WHEREFORE, Plaintiff requests the court to hold Defendant responsible for failure to provide the requisite compensation, and to order Defendant to pay for the cruel and illegal ways the Defendant has behaved. Further Defendant request the Court that the Defendant has not performed a honest, complete and correctly calculation of values for the failure and delay of personal property; and for such other relief as the Court deems necessary.

Respectfully submitted,



Prakash S. Thombre.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was mailed by US Postal services this **2nd day of June, 2022**, to the Defendant.

